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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,645	12/29/2000	Delmar Lanzer	MRI0003	9250
27268	7590	10/19/2005		
BAKER & DANIELS LLP			EXAMINER	
300 NORTH MERIDIAN STREET			FLORES SANCHEZ, OMAR	
SUITE 2700				
INDIANAPOLIS, IN 46204			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/751,645	LANZER, DELMAR	
	<b>Examiner</b>	<b>Art Unit</b>	
	Omar Flores-Sánchez	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 July 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8,11-15,17-29,34-40,48 and 49 is/are pending in the application.  
 4a) Of the above claim(s) 2-8,11-13,17-24,28,29 and 34-40 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,14,15,25-27,29,48 and 49 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

1. This action is in response to applicant's amendment received on 07/08/05

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 14, 15, 25-27, 29, 31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Noboru (51137187 JP).

Noboru discloses (Fig. 1-6) the invention substantially as claimed including a platform 33, a support plate 10, a saw assembly, a balancing apparatus (12 and 13), a saw blade 18, an oscillating mechanism (see Fig. 4) and a counterweight 12. Noboru teaches the use of a portion 12 of said balancing apparatus moves toward and away from said support plate.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 14, 15, 25-27, 29, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over O. F. Kleeb et al. (1,730,938) in view of Noboru (51137187 JP).

Kleeb et al. discloses (Fig. 1-4) the invention substantially as claimed including a platform (1 and 2), a support plate 19, a saw assembly, a balancing apparatus 60, a saw blade 22, an oscillating mechanism (see Fig. 1) and a counterweight 61. Kleeb et al. does not show a portion of said balancing apparatus moves toward and away from said support plate. However, Noboru teaches the use of a portion 12 of said balancing apparatus moves toward and away from said support plate 10 for the purpose of better controlling the movement of the cutting tool. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kleeb et al. by providing the portion of said balancing apparatus moves toward and away from said support plate as taught by Noboru in order to obtain a better control of the movement of the cutting tool.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 14, 15, 25-27, 29, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavis (4163404) in view of O. F. Kleeb et al. (1,730,938) and Noboru (51137187 JP).

Lavis discloses (Fig. 1-9) the invention substantially as claimed including a platform (1-4), a support plate (phantom line in Fig. 2), a saw assembly 35, a balancing apparatus/counterweight 21 and a saw blade 38. Lavis does not show an oscillating mechanism and a portion of said balancing apparatus moves toward and away from said support plate. However, Kleeb et al. teach the use of an oscillating mechanism (see Fig. 1) for the purpose of automatically driving the saw. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Lavis's device by providing the oscillating mechanism as taught by Kleeb et al. in order to obtain a device that automatically drive the saw.

Regarding a portion of said balancing apparatus moves toward and away from said support plate, Noboru teaches the use of a portion 12 of said balancing apparatus moves toward and away from said support plate 10 for the purpose of better controlling the movement of the cutting tool. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Lavis by providing the portion of said balancing apparatus moves toward and away from said support plate as taught by Noboru in order to obtain a better control of the movement of the cutting tool.

#### *Response to Arguments*

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507.

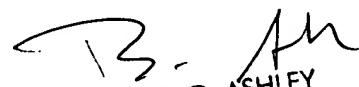
The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ofs  
10/17/05

  
BOYER D. ASHLEY  
PRIMARY EXAMINER